

Board of Examiners

Title 63, Chapter 6

(Text is current through the 2006 General Session)

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63-6-1 (Superseded 07/01/07). Members -- Functions.

The governor, the state auditor, and the attorney general shall constitute a Board of Examiners, with power to examine all claims against the state for the payment of which funds appropriated by the Legislature or derived from any other source are not available. No claim against the state for the payment of which specifically designated funds are required to be appropriated by the Legislature shall be passed upon by the Legislature without having been considered and acted upon by the Board of Examiners. The governor shall be the president, and the state auditor shall be the secretary of the board, and in the absence of either an officer pro tempore may be elected from among the members of the board.

63-6-1 (Effective 07/01/07). Members -- Functions.

- (1) As used in this chapter:
 - (a) "Political subdivision" means any county, city, town, school district, public transit district, redevelopment agency, special improvement or taxing district, special

district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.

- (b) "State" means the state of Utah, and includes each office, department, division, agency, authority, commission, board, institution, college, university, Children's Justice Center, or other instrumentality of the state.
- (2) The governor, the state auditor, and the attorney general shall constitute a Board of Examiners, with power to examine all claims against the state or a political subdivision, for the payment of which funds appropriated by the Legislature or derived from any other source are not available.
- (3) No claim against the state or a political subdivision, for the payment of which specifically designated funds are required to be appropriated by the Legislature shall be passed upon by the Legislature without having been considered and acted upon by the Board of Examiners.
- (4) The governor shall be the president, and the state auditor shall be the secretary of the board, and in the absence of either an officer pro tempore may be elected from among the members of the board.

63-6-1.5. Procedures -- Adjudicative proceedings.

The Board of Examiners shall comply with the procedures and requirements of Title 63, Chapter 46b, in its adjudicative proceedings.

63-6-2. Meetings.

The meetings of the board shall be held upon the call of the president or any two members.

63-6-3. Record of proceedings.

The board must keep a record of all its proceedings, and any member may cause his dissent to the action of a majority upon any matter to be entered upon such record. An abstract of all claims must be entered upon the minutes of the board before the same are acted upon.

63-6-4. Rules and regulations.

The board may, in writing, establish rules and regulations not inconsistent with law for its government.

63-6-5. Witnesses -- Subpoena -- Examination -- Fees.

The president of the board may issue subpoenas and compel the attendance of witnesses and the production of books and papers before the board or any member thereof; and any

member of the board may administer oaths and may examine witnesses. Whenever a witness is subpoenaed before the board to testify against any claim pending before it, the board may allow a reasonable fee to such witness for attendance, which fee must not exceed the fees allowed by law to witnesses in civil cases, and must be paid out of the appropriation for the contingent expenses of the board; provided, that in no instance shall a fee be allowed to a witness who has appeared in behalf of a claimant.

63-6-6. Depositions.

Each member of the board may take depositions to be used before it.

63-6-10. Audit and approval of claims -- Overexpenditure by agencies.

- (1) (a) The Board of Examiners shall audit any claim presented to it, if the settlement of the claim is required by law.
 - (b) If the claim is approved, the board shall transmit it to the Legislature with a statement of the reasons for the approval.
- (2) When an agency's line item appropriation has been overexpended and a written report is submitted to the board as required by Section 63-38-10, the board shall review the report and either:
 - (a) recommend and submit to the Legislature any supplemental appropriations or corrective legislation that may be needed; or
 - (b) recommend other internal procedures or policies that will make an overexpenditure in the future unlikely.

63-6-11 (Superseded 07/01/07). Form for presentment of claim against state.

Any person having a claim against the state for which funds have not been provided for the payment thereof, or the settlement of which is not otherwise provided for by law, must present the same to the Board of Examiners, accompanied by a statement showing the facts constituting the claim.

63-6-11 (Effective 07/01/07). Form for presentment of claim against the state or political subdivision.

Any person having a claim against the state or a political subdivision, for which funds have not been provided for the payment thereof, or the settlement of which is not otherwise provided for by law, must present the same to the Board of Examiners, accompanied by a statement showing the facts constituting the claim.

63-6-12. Meeting to examine claims -- Notice of meeting.

At least 60 days preceding the meeting of each Legislature the board must hold a session for the purpose of examining the claims referred to in Section 63-6-11, and may adjourn from time to time until the work is completed. The board must cause notice of such meeting or meetings to be published in some newspaper at the seat of government and such other newspapers as may be determined by the board for such time as the board may prescribe.

63-6-13 (Superseded 07/01/07). Adjustment of claims -- Recommendations to Legislature.

The board must at the time designated proceed to examine and adjust all claims referred to in Section 63-6-11, and may hear evidence in support of or against them, and shall report to the Legislature such facts and recommendations concerning them as it may think proper. In making its recommendations the board may state and use any official or personal knowledge which any member of the board may have touching such claims. The board shall not pass upon or send to the Legislature any claim for which the state would not otherwise be liable were it not for its sovereign immunity. But all claims wherein the state would be liable, were it not for its sovereign immunity, whether recommended by the board for approval or disapproval, shall be reported by the board to the Legislature with appropriate findings and recommendations as above provided.

63-6-13 (Effective 07/01/07). Adjustment of claims -- Recommendations to Legislature.

- (1) The board must, at the time designated, proceed to examine and adjust all claims referred to in Section 63-6-11, and may hear evidence in support of or against them, and shall report to the Legislature the facts and recommendations concerning them as it may think proper.
- (2) In making its recommendations, the board may state and use any official or personal knowledge which any member of the board may have touching such claims.
- (3) The board shall not pass upon or send to the Legislature any claim for which the state or a political subdivision would not otherwise be liable were it not for its sovereign immunity.
- (4) Notwithstanding Subsection (3), claims wherein the state or a political subdivision would be liable, were it not for its sovereign immunity, whether recommended by the board for approval or disapproval, shall be reported by the board to the Legislature with appropriate findings and recommendations as above provided.

63-6-14. Publication of abstract of claims allowed and rejected.

The board must make up its report and recommendations at least thirty days before the

meeting of the Legislature; and a brief abstract of the report, showing the claims rejected, and those allowed and the amounts thereof, must be published in a newspaper published at the seat of government before the meeting of the Legislature for such time as the board may prescribe.

63-6-16 (Superseded 07/01/07). Reconsideration of rejected claims.

The board shall not entertain for a third time a demand against the state once rejected by it or by the Legislature, unless such facts or reasons are presented to the board as in actions between private parties would furnish sufficient ground for granting a new trial.

63-6-16 (Effective 07/01/07). Reconsideration of rejected claims.

The board shall not entertain for a third time a demand against the state or a political subdivision once rejected by it or by the Legislature, unless the facts or reasons are presented to the board as in actions between private parties would furnish sufficient ground for granting a new trial.

63-6-17. Appeal to Legislature.

Any person interested who is aggrieved by the disapproval of a claim by the board may appeal from its decision to the Legislature by filing with the board a notice thereof, and upon the receipt of such notice the board must transmit the demand and all the papers accompanying the same, with a statement of the evidence taken before it, to the Legislature.